

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013**

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BILL DRAFT 2013-TMxz-8 [v.7] (03/31)

(THIS IS A DRAFT AND IS NOT READY FOR INTRODUCTION)

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Short Title: UI Laws Administrative Changes.

(Public)

Sponsors: (Primary Sponsor).

Referred to:

A BILL TO BE ENTITLED
AN ACT TO MAKE TECHNICAL, ADMINISTRATIVE, AND CLARIFYING CHANGES
TO THE UNEMPLOYMENT INSURANCE LAWS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-7(b2) reads as rewritten:

"(b2) Disclosure of Social Security Number. – The social security number of an applicant is not a public record. The Division may not disclose an applicant's social security number except as allowed under federal law. A violation of the disclosure restrictions is punishable as provided in 42 U.S.C. § 408, and amendments to that law.

In accordance with 42 U.S.C. 405 and 42 U.S.C. 666, and amendments thereto, the Division may disclose a social security number obtained under subsection (b1) of this section only as follows:

- (1) For the purpose of administering the drivers license laws.
- (2) To the Department of Health and Human Services, Child Support Enforcement Program for the purpose of establishing paternity or child support or enforcing a child support order.
- (3) To the Department of Revenue for the purpose of verifying taxpayer identity.
- (4) To the Office of Indigent Defense Services of the Judicial Department for the purpose of verifying the identity of a represented client and enforcing a court order to pay for the legal services rendered.
- (5) To each county jury commission for the purpose of verifying the identity of deceased persons whose names should be removed from jury lists.
- (6) To the Office of the State Controller for the purposes of G.S. 143B-426.38A.
- (7) To the Department of Commerce, Division of Employment Security, for the purpose of verifying employer and claimant identity."

SECTION 2.(a) G.S. 96-9.2(c) reads as rewritten:

"(c) Contribution Rate for Experience-Rated Employer. – The contribution rate for an experience-rated employer who does not qualify as a beginning employer under subsection (b) of this section is determined in accordance with the table set out below and then rounded to the nearest one-hundredth percent (0.01%), subject to the minimum and maximum contribution rates. The minimum contribution rate is six-hundredths of one percent (0.06%). The maximum contribution rate is five and seventy-six hundredths percent (5.76%). "Total insured wages" are the total wages reported by all insured employers for the 12-month period ending on ~~July~~



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31 June 30 preceding the computation date. An employer's experience rating is computed as a reserve ratio in accordance with G.S. 96-9.4. An employer's reserve ratio percentage (ERRP) is the employer's reserve ratio multiplied by sixty-eight hundredths. A positive ERRP produces a lower contribution rate, and a negative ERRP produces a higher contribution rate.

..."

SECTION 2.(b) This section is effective when it becomes law, and applies to contributions payable for calendar quarters beginning on or after January 1, 2014.

SECTION 3. G.S. 96-14.9(e) reads as rewritten:

"(e) **Actively Seeking Work.** – The Division's determination of whether an individual is actively seeking work is based upon the following:

- (1) The individual is registered for employment services, as required by the Division.
- (2) The individual has engaged in an active search for employment that is appropriate in light of the employment available in the labor market and the individual's skills and capabilities.
- (3) The individual has ~~sought work on at least two different days during the week and~~ made at least two-five job contacts with potential ~~employers.~~ employers during the week.
- (4) The individual has maintained a record of the individual's work search efforts. The record must include the potential employers contacted, the method of contact, and the date contacted. The individual must provide the record to the Division upon request."

SECTION 3.(b) This section becomes effective July 1, 2014, and applies to claims for benefits filed on or after that date.

SECTION 4.(a) G.S. 96-15(h) reads as rewritten:

"(h) **Judicial Review.** – Any decision of the Division, in the absence of judicial review as herein ~~provided provided, or in the absence of an interested party filing a request for reconsideration,~~ shall become final 30 days after the date of notification or mailing thereof, whichever is earlier. Judicial review shall be permitted only after a party claiming to be aggrieved by the decision has exhausted his remedies before the Division as provided in this Chapter and has filed a petition for review in the superior court of the county in which he resides or has his principal place of business. The petition for review shall explicitly state what exceptions are taken to the decision or procedure of the Division and what relief the petitioner seeks. Within 10 days after the petition is filed with the court, the petitioner shall serve copies of the petition by personal service or by certified mail, return receipt requested, upon the Division and upon all parties of record to the Division proceedings. Names and addresses of the parties shall be furnished to the petitioner by the Division upon request. The Division shall be deemed to be a party to any judicial action involving any of its decisions and may be represented in the judicial action by any qualified attorney who has been designated by it for that purpose. Any questions regarding the requirements of this subsection concerning the service or filing of a petition shall be determined by the superior court. Any party to the Division proceeding may become a party to the review proceeding by notifying the court within 10 days after receipt of the copy of the petition. Any person aggrieved may petition to become a party by filing a motion to intervene as provided in G.S. 1A-1, Rule 24.

Within 45 days after receipt of the copy of the petition for review or within such additional time as the court may allow, the Division shall transmit to the reviewing court the original or a certified copy of the entire record of the proceedings under review. With the permission of the court the record may be shortened by stipulation of all parties to the review proceedings. Any party unreasonably refusing to stipulate to limit the record may be taxed by the court for such additional cost as is occasioned by the refusal. The court may require or permit subsequent corrections or additions to the record when deemed desirable."

1 **SECTION 4.(b)** This section becomes effective July 1, 2014, and applies to
2 decisions made on or after that date.

3 **SECTION 5.(a)** G.S. 96-3 reads as rewritten:

4 "**§ 96-3. Division of Employment Security.**

5 The Division of Employment Security (DES) is created within the Department of
6 Commerce and shall administer the provisions of this Chapter under the supervision of the
7 Assistant Secretary of ~~Commerce-Commerce~~through two coordinate sections: the Employment
8 ~~Security Section and the Employment Insurance Section. The Employment Security Section~~
9 ~~shall administer the employment services functions of the Division. The Employment Insurance~~
10 ~~Section shall administer the unemployment taxation and assessment functions of the Division."~~

11 **SECTION 5.(b)** G.S. 96-4(j) reads as rewritten:

12 "(j) Hearings. – The Assistant Secretary shall appoint hearing officers or appeals
13 referees to hear contested matters arising from the ~~Employment Security Section and the~~
14 ~~Employment Insurance Section.~~Division of Employment Security. Appeals from the decisions
15 of the hearing officers or appeals referees shall be heard by the Board of Review."

16 **SECTION 5.(c)** G.S. 96-9.15(f) reads as rewritten:

17 "(f) Domestic Employer Exception. – The Division may authorize an employer of
18 domestic service employees to file an annual report and to file that report by telephone. An
19 annual report allowed under this subsection is due on or before the last day of the month
20 following the close of the calendar year in which the wages are paid. A domestic service
21 employer that files a report by telephone must contact either the tax auditor assigned to the
22 employer's account or the ~~Employment Insurance Section~~Division of Employment Security in
23 Raleigh and report the required information to that auditor or to that section by the date the
24 report is due."

25 **SECTION 6.** Except as otherwise provided, this act is effective when it becomes
26 law.